

# Special Session Fact Sheet

## Legislative Procedure in a Special Session

- A minimum of seven days is required for a legislative session to pass legislation [*Attorney General Opinion dated April 18, 1952 (Hoyt)*].
- No vote for final passage can be conducted unless five days have passed since the introduction of the bill, and the bill has been on Final Reading for at least one day [*Article III, section 14 of the Nebraska Constitution – applied to special session by Attorney General Opinion No. 151 (Nov. 13, 1985)(Beutler)*].
- Bills and resolutions (*see Rule 9, sec. 3*) shall be introduced during the first three days of the session (*Rule 9, sec. 2*).
- The Legislature has the implied and inherent power to appropriate money to pay for a special session. This item does not need to be in the call to be dealt with at special session [*Attorney General Opinion (Jan 4, 1940)(Rossiter, Schultz, Ashmore)*].
- Expedited committee referencing, hearing and report procedures apply (*Rule 9, sec. 8*).
- Special session rules have priority over other rules (*Rule 9, sec. 9*).
- A majority of votes, as opposed to a three-fifths vote (*Article IV, section 7 of the Nebraska Constitution*), is required to exceed recommendations of the Governor to reduce appropriations at a special session [*Attorney General Opinion No. 282 (Nov. 5, 1982)(Warner)*].
- The Governor's power to veto or reduce appropriations made in bills is the same in a special session as it is in a regular session [*Attorney General Opinion No. 140 (Nov, 7, 1975)(Warner)*].
- Line item veto power is applicable to appropriations bills in special sessions as well as general sessions [*Attorney General Opinion No. 146 (Nov. 4, 1981)(Nichol)*].

# The Call

- The purpose of the Governor's proclamation is to give public notice of the subjects to be considered at the special session and the scope of the call [*Jaksha v. State*, 222 Neb. 690, 699, 385 N.W.2d 922, 928 (1986)].
- The ability of the Governor to restrict the general broad power of the Legislature to legislate via the scope of the call for a special session is not a violation of Article II, sec. 1, of the Nebraska Constitution [*Attorney General Opinion 89069* (Nov. 9, 1989)(*Withem*)].
- While the scope of the call may be broad or specific to a general subject, the Legislature is free to determine in what manner the purpose shall be accomplished, but it must confine itself to the matters submitted to it by the proclamation.
- The Legislature can limit itself by rule, such as limiting consideration of bills during a special session to bills introduced at the request of the Governor [*Attorney General Opinion No. 145* (Nov. 2, 1981)(*Wesely*)].
- The Governor can amend the original, or initial, proclamation during the special session by adding a subject not designated in the original proclamation. A bill introduced in the special session after an amended proclamation was issued and was subsequently passed by the Legislature at that special session is valid legislation because it was within the scope of the amended proclamation, even though it was not within the scope of the original proclamation [*Jaksha v. State*, 222 Neb. 690, 385 N.W.2d 922 (1986)].
- A statute or constitutional amendment enacted at special session must be germane to the call.
- The Legislature may confirm gubernatorial appointments while in special session even though the confirmations are not part of the call [*Attorney General Opinion* (Aug. 28, 1946)].